## SAYS ROOSEVELT TO BALDWIN

I WAS MISQUOTED, BUT I DID CRITICISE YOU.

And Then He Goes On to Criticise the Connecticut Jurist at Still Greater Length for the Hoxle Beriston Proves He's Right by lowa Decision.

Col. Roosevelt made public yesterday at the Outlook office his reply to Judge Simeon E. Baldwin, the Democratic nominee for Governor in Connecticut, who in a letter dated October 31 demanded of Mr. Roosevelt a retraction of that part of the Colonel's speech made at Concord. N. H., in which Judge Baldwin, according to the press reports of the speech. was referred to as "a man who fook the view that it was competent for the workman driven to accept any employment to grind him to bind himself not to be compensated if he lost his life or limb in that occupation." In his letter the Judge said that since the meeting he had obtained a stenographic report of Col. Roosevelt's speech and that this report showed the Colonel to have said:

"The Democratic party of Connecticut has nominated for Governor a man who while Judge occupied the most retrogressive possible position on this question of workmen's compensation; a man who took the view that it was competent for the workman when driven to accept any employment to bind himself not to be compensated if he lost his life and limb in that occupation."

Judge Baldwin has twice written to Col. Roosevelt demanding a retraction of this statement, insisting in his second letter that it was due "as a matter of fairness to one to whom his reputation as a lawyer is of value, as well as in the interest of truth." It was stated at the time Judge Baldwin wrote his second letter that he would bring suit for libel against Col. Roosevelt if the demanded retraction was not to his satisfaction Col. Roosevelt's letter in reply follows:

NEW YORK, November 2, 1910.

DEAR SIR: I have received your letter of October 31. As I told you in my first letter, the sentence of mine to which you refer was not correctly reported, consisting of two sentences which have been put into one. The first sentence, namely, Democratic party of Connecticut has nominated for Governor a man who while Judge occupied the most retrogressive possible position on this question of workmen's compensation," is substantially correct. The next sentence is not given as I said it, nor was it said as part of the first septence. indeed, as you first quoted it, it was nearer right, to the extent of having in it the word "grind," which was part of the phrase I had used "by grinding need," a phrase which is totally absent from the sentence you quote. But the sentence is wholly incomplete and inaccurate. The sentence as actually said it opened with the use of the word "progressives" or "progressive" as an antithesis to "retrogressive" and contained a statement of our emphatic dissent from the position which I described in somewhat the language quoted, but not in the language

But my criticisms of you are set forth clearly in my second letter. In your answer to my letter you entirely miss the point of the criticisms. I am not interested in your opinion as a law writer. I am interested in your opinion as a Judge. My criticism of you as a reactionary was based not upon what you may have said as a law writer but upon what you did as a Judge. Your long citations from decisions in courts of Connecticut are entirely irrelevant and beside the point. I know, as every layman knows, that it is not a function of a Judge to make new laws. When there is no statute enacted by the law making bodies of the people the courts are no doubt bound to follow precedent. The question between us does not involve any such principle. In the Hoxie case you had before you a definite statute enacted by the Congress of the United States declaring the responsibility of railroads to their employees for negli-gence. Section 5 of that act provided "That any contract, rule, regulation or device whatsoever the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability

In that act Congress declared that rail way employees should have certain new legal rights of compensation for injuries occasioned by the negligence of the railroad In placing this clause which I have quoted in the act Congress was no doubt influenced by the well known fact that in United States, so as to pervert its purpose lished by a sovereign power, and main-England an employers' liability act enacted many years are was made a dead letter by employers insisting that their employees should sign contracts agreeing to waive

and by so doing to nullify and destroy an tained at its expense for the enforcement of what it deemed injustice the opinion of should sign contracts agreeing to waive

The platform on which you are seeking yours the importance of the maintenance The platform on which you are seeking the benefits of the statute and go without the benefits of the statute and go without the legal rights which the statute proposed to give them. Congress doubtless intended that the beneficial value of this Zederal employers' liability act in connecticut which will be of value to the employers' liability act should not be destroyed by any such process. In the case decided by you, which I have criticised, his necessities? Your answer to this need the most the statute was the most the most this peed the constitutional as being "in violation of the Fifth Amendment of the Constitution of the United States, as rending to deprive the parties to such a should not be designed to constitution of the United States, as state to enact an effective law on a subject the thousands of rantoad men annually. tending to deprive the parties to such a State to enact an effective law on a subject the thousands of rational men annually contract of liberty and property without which requires effective law I regard killed and hundreds of thousands annually contract of liberty and property without due process of law." You say specifically your decision as reactionary in a matter in liberty of contract which the Constitution of the United States secures to every person within its jurisdiction." Which requires effective law I regard killed and hundreds of thousands annually your decision as reactionary in a matter in liberty in their dangerous calling of vital concern to all laboring men. I do Youts truly. Theorem Rossey vert as Governor, you would obviate the effect of your decision as Judge. cures to every person within its jurisdiction. Your declaration speaks for itself. In substance it amounts to stating that the employees' right to give up their rights under the law is a thing to be protected and not their right to contract to get killed is "property" of which they cannot be deprived in the Hoxie case is good law no compensation legislation. If your opinion in the Hoxie case is good law no compensation had the right to get killed comes under the head of "life, liberty and property," which the Fifth Amendment to the United States Constitution says cannot be taken away without due process of law Congress aimed at giving the railroad employee a substance. You construed the act as giving him a chadow by solemnly



AT 3:00 A. M. ON THURSDAY, NOVEMBER 10, 1910, the magnificent concourse station at Broadway and 33rd Street and the station at 28th St and Sixth Ave will be opened for traffic.

Tube trains will run to and from 33d St and the Pennsylvania, Lehigh Valley, Erie and Lackawanna R. R. Stations in Jersey City and Hoboken, saving passengers from 20 to 45 minutes in each direction.

At the 33d St. Station will be ticket offices of the Lehigh Valley, Erie and Susquehanna Railroads; a parcel check room, public telephones and telegraph offices, taxicabs and baggage delivery facilities.

This wonderful station at Broadway, 6th Ave, 32nd and 33rd Streets enables passengers to get to or from the very heart of the Shopping, Theatre, Hotel and Uptown Business District quickly, conveniently and comfortably by the

which the process of law Congress amed at giving the relievable special process of the Congress and at giving the relievable special process of the Congress and at giving the relievable special process of the Congress of t

Brenner's Latest Forecast for kings.

Hunyadi Janos Natural Laxative dre Gentle Water Speedy Sure Drink Half a Glass on Arising FOR

AMUSEMENTS.

WALTER DAMROSCH Conductor.

To-morrow Sunday Aft., at 3 precisely.

MME. LOUISE HOMER theus, Gluck Brigg l'air, Delius first time-rom Rienzt, Wagner Orient and Occident aint Saens (first time) Tekets 50 cts to \$2 at Box Office & 1 W 54th St

ASTOR B'way, 45th St. Eve 4.20. Mat To day
THE GIRL IN TAXI With Carter
EXTRA MATINEE ELECTION DAY. WALLACK'S B'way 4 50th St. Eves. 5:15. TIMES H. B. WARNER IN Alias JIMMY VALENTINE MONDAY, NOV. 7 Seats from on Sale Day.

MAY IRWIN

In a New Farcical Comedy GETTING A POLISH

First Cello Recital in America HAMBOURG

MENDELSSONN HALL, 219-PA VI

AMESEMENTS. NEW YORK'S LEADING THEATRES. EMPIRE B was & 40th St. Eve. at 8.15-JOHN DREW in his creat Smith LYCEUM (5th St ar Blway, By \$200 Mats To day, Tues, 4 Sat 2:30 MARIE DORO ELECTRICITY GARRICK Mat To day Thes. 4 West 2:14 KYRLE BELLEW in His Fam. RAFFLES EVES A Sharp Mat Tues & Sat. at 2.

JULIA NEILSON FILLUTERRY and their London Co. In The Scarlet Pimpernel

HUDSON West, 1th St. Eve. 5:20 Mat. To day Tues & Wed. 2:15. HELEN WARE DESERTERS CRITERION H was 14th St. Eve. 8 20. LAUGHS, LAUGHS and LAUGHS COMMUTERS JAMES FORBES

CHARLES DILLINGHAM'S Evs. 8:20.

CLOBE B'Way LastMat. To day THE GIRL IN THE TRAIN ADELINE GENEE ELOR BELLES BIJOU B way & 30th St. Eves. 4:20.

JEFFERSON OTHER FELLOW Entertaining farce well acted HERALD. NEW AMSTEROAM Wats To day Tu & Wed MADAME SHERRY EXTRA MATINEE ELECTION DAT

NEW YORK H way, 45th St. Last Night 8:10. THE DOLLAR PRINCESS WILE FUNA TRESTINIO NAUGHTY MARIETTA

GAIETY B way, 48th St. Eves \$12 Mats.
GEO. W. COHAN'S BIGGEST HIT.
GET RICH QUICK WALLINGFORD LIBERTY West (2d St. Eves. 8:15. Mate. RAIN OF LAUGHS THE COUNTRY BOY By Edgar Selwyn.

JOE WEBERS STITTY GORDON IN ALMA WHERE DO ? Mat Tod's 4Tues with JOHN MCLOSKEY GRAND Next Week THE ROUND UP.

LMENDORF STATES STATES AT 8:30 MONDAY MATINEES AT 3:30



Over Our Overcoats for Winter we've already had many compliments.

Glad we can reciprocate by complimenting many men on their foresight in buying Win. ter overcoats early-they get the full season's use of them.

This year Winter coats show an unusually wide variety of fabrics and shades.

Besides many new weaves in Oxfords and blacks, we've many rough, shaggy cheviots showing a plaid on the reverse side of the cloth.

These soft, loose-fitting coats are especially good for sporting, traveling and knockabout wear.

Of still another type are motor ulsters, buttoning close to the neck, of rough cheviots and water-shedding friezes, with wool lining and interlining. Just a question of taste which you'll have.

ROGERS PEET & COMPANY. Three Broadway Stores:

at 13th St.

AMUSEMENTS.

THE NEW THEATRE THE H Maeterlinek's THE BLUE BIRD

MON. THE NEW THEATRE COMPANY
NOV. 7. Will Open Its 2nd Season.
Monday Eyg. at 8:15 (Premier: and all other
Eygs. to Sat. at A:30. Shakespeare's Comedy
The Merry Wives of Windsor, with Mats. Wed
and Sat. and Extra Mat. Tues. at 2. Sat. Evr.
at 5 (Premier) Entero's Satire The Thunderbolt.
Seats now on Sale.

SEATS FOR SHUBERT THEATRES, IN THIS GROUP, FOR SALE ONLY AT THE BOX OFFICES. TICKETS NOT SOLD AT TYSON'S OR M'BRIDES.

Latire Bibes 6th av 43 44th Sis Evs. at 8 Daily Matinees at 2. Best Seats \$1.00. The Interna Ballet of The I 2 New tional Cup Niagara Earthquake Circus Acts COMEDY Mats. To day, Elec. Day & Wed. 2 ao DOUGLAS FAIRBANKS in THE CUS Not as Wild as the Tiger Brand, Nor as Ferocious as the Bear Kind — But Playful—Happy and Funny Is This Cub.

MAXINE ELLIOTT'S Thea and het By 4 6 A A CHARLES The Gambiers With mew play

EXTRA MATINEE ELECTION DAY. CASINO B'way & 39th. Evenings 8:15.
Matinees To-day & Elec. Day 2:15.

DALY'S B'way and 30th St. Evgs. 433. BABY MINE

LYRIC 42d St., West of B'way, Evgs 8 13.

Mats. To day, Elec. Day & Wed
Grace MME. TROUBABOUR Van Rensseiger
La Rue MME. TROUBABOUR Wheeler
Van Dale AMERICA Alan Daie. AMERICAN.—""Ime. Tr. dour' is a hewitching little musica prise, and I'd like to hear it agniu." BROADWAY B'way and tist St. Evgs. 415.
Mats. To-day & Elec. Day 215. MARIE CANILL in a new musical comed

Nazimova's 39TH ST. THEA., 39th, ar B LastMat. Today 2:00 The Little Damozel Week Begin Monday, Nov. 7th Seats Now MR. WEEDON GROSSMITH

h Mr. PREEDY and the COUNTESS. HACKETT 42nd, West of B'way, Evs. A.D. Mats. Today, Elec. Day & Thurs

Tt captivates you. MOTHER Lew HERALD SQ. Bway & asth. Eves A livelids. NERALD SQ. Mats. Today & Wed 2 18

Hee Day MARIE DRESSLER in Tillie's MAJESTIC B WAS A MIRST CLASS THEATRE

Tele 3500 Col.
Evgs. 8500 Reg
Mats. Wed. and
Direct from The New Theatre.
Matter Matter Macter Theatre. Mais, wed and
Thurs a P. M.
Sat 2:15. Extra
THE BLUE BIRD
Mat Elec Day
The Blue Bird for Hapotices.
At 5. Seats Now COMPLETE. NEW THEATRE
CAST AND PRODUCTION

CIRCLE B'way A 60th St. Evgs 413.
Wright Lorimer in The Shepherd King
N'at W'k H. B. Warner in Allas Jimmy Valentine WEST END 125th W of Ath Av Evgs \$15. Mats Today Elec. Day & West 2 15.

N'st W's Mary Mannering in "A Man's Mary Mannering in "A Man's BELASCO 4th St., nr. B'way Mats To day & Th Extra Mat. "THE CONCERT"

REPUBLIC W. 42d St. Ev. 8.15. Mail RESECCA OF SUNNYBROOK FARM MANHATTAN OPERA, W. 34th No. 3 HANS THE FLUTE PLAYER

CITY THEATRE, E. 14th at. Ev. & To day Ma. MERRY, Is Matrimony a Failure? Next Week David Belasco's THE LILL

Pails Mat 25c MLLE LO. other Star V STH AVE Bray Dally Mat. 25 & 50e Troyato Tales of Horizon

Eves. 25-50-75-1.00 & CHRISTY MATHEWS. AVE. Daily Mats. 25-50. & HART & 10 big acts. COLONIAL The Governor's Son Baidina & Kosloff & In Russian Dancers & other ALHAMBRA HERBERT KELATY

BRONX 149th St. 3d. Ave. Mat. Dally Blag Anniversary Week ACADEMY OF MUSIC IF I WERE KING

COLUMBIA BURLESQUE. To day